

REMARKS

Claims 4, 5, 6 and 9 stand objected to because of certain informalities. In claim 4, line 1 “the” has been inserted; in claims 5, 6 and 9 “connect” has been changed to “connected”; in claim 9, line 9 “output” has been changed to “input”; in claim 9, line 10 “and” is inserted before “the carrier.”

Claims 8-13 stand rejected under 35 USC 112, second paragraph, as being indefinite. The basis for this rejection has been overcome by replacing “the input shaft” with “an input shaft” in claim 8, line 2.

Claims 1, 2, 4 and 7 stand rejected under 35 USC 102 (b) as being unpatentable over DE19858553 A1 (the ‘553 document). The ‘553 document is in the German language and no English language translation was provided to Applicant in the Office action. Applicant attempted to interpret the disclosure of the ‘553 document from its figures. Applicant respectfully request that the United States Patent and Trademark Office supply an English translation of the ‘553 document so that its applicability to the claims can be determined.

Claim 1 has been amended to recite that the planetary gearset includes a first input that is secured to the first output, and a coupler secured to the second input. The secured connection of the coupler continually to the second input is illustrated in Figures 1 and 3. Claim 1 has been further amended to state that the coupler driveably connects the second input of the planetary gearset alternately to the first output and the second output. The specification describes and Figures 1 and 3 illustrate this structural relation of the coupler to the first output and second output.

The ‘553 document shows in its Figure 6 a first planetary gear unit having a sun gear that is driveably connected to the output of a traction drive transmission, and a second planetary gear unit having its sun gear driveably connected to a layshaft gear. However, the Office action refers to Figures 3 and 5 of the ‘553 document for showing a coupler 11, 12 that is continually driveably connected to the second output and alternately

connecting the second output to the first and second inputs. But claim 1, as amended, recites that the coupler is secured to the second input and connects the second input alternately to the first output and the second output. The '553 document does not show a coupler having the function of claim 1 nor does any other cited prior art reference disclose a coupler having this function.

Claims 2, 4 and 7 add limitations to claim 1. But claim 1 has been patentably distinguished over the cited prior art by the amendment discussed in the comments above. Therefore, claims 1, 2, 4 and 7, as amended, are patentably distinguished over the '553 document and the cited prior art.

Claim 3 stands rejected under 35 USC 103 (a) as unpatentable over the '553 document in view of Fragnito (the '389 patent). The Office action acknowledges that the '553 document does not disclose a variator having truncated cones. According to the Office action, Fragnito was cited for its disclosure of truncated cones. Neither Fragnito nor the '553 document discloses or suggest the invention defined by claim 1, which has been patentably distinguished over the disclosure of the '553 document as discussed above. Therefore, the assembly that would result by combining the teaching of the '389 patent with that of the '553 document should not be used as a basis to reject claim 3 as obvious in view of the combination of these references when neither prior art reference teaches or suggests the invention defined by claim 1, from which claim 3 depends.

Claim 8 stands rejected under 35 USC 103 (a) as unpatentable in view of Figure 2 of the '553 reference in view of Figure 3 of the '553 reference. Figures 2 and 3 of the '553 document are schematic diagrams of a structural arrangement.

Notice first that claim 8 defines a method. The cited figures of the '553 document do not disclose a method but seem to refer schematically to the structural arrangement of its Figure 6. The Office action then says that Figure 2 of the '553 reference discloses all the limitations of claim 1 (an apparatus claim) while discussing a rejection of claim 8 (a method claim). No method step of claim 8 is disclosed in Figure 2 of the '553 reference.

The Office action then says that Figure 2 of the '553 document does not disclose the first output being connected to the second input through a coupler. It says further that Figure 3 discloses the coupler connecting the first output and the second input and varying a speed ratio.

Claim 8 is a method claim. Figure 2 and 3 of the '553 patent refer obliquely to the structural arrangement of figure 3. There is simply no disclosure of a method that can be discerned from the figures '553 patent. The text '553 patent is stated in the German language. There is nothing in its Figures 2 or figure 3 that would suggest that a method is being disclosed. Claim 8 should not be rejected on the basis of a reference that discloses no method.

Claim 10-13 stand rejected under 35 USC 103 (a) as unpatentable over the '553 document as applied to claim 8, and further in view of the '389 patent. The Office action acknowledges that the '553 reference discloses no variable ratio path by moving a traction element along cone surfaces. The Office action therefore cites the '389 patent for a variable ratio path having truncated cones 16, 18. But claims 10-13 are method claims. There is no disclosure available to Applicant in the '553 document or in the '389 document that discloses or suggests the method steps defined by claims 10-13.

Claims 1-7, as amended, patentably distinguished the structure of the present invention over the disclosure of the cited prior art references. Claims 8-13 drawn to method steps are not disclosed or suggested alone or in combination with any of the cited prior art references. Claims 1-13 stand now in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "Frank G. McKenzie", written over a horizontal line.

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